

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): N. Lee Rhodes

Confirmation No.: 3139

Application No.: 09/919,148

Examiner: Mary Cheung

Filing Date: July 31, 2001

Group Art Unit: 3621

Title: NETWORK USAGE ANALYSIS SYSTEM AND METHOD FOR DETERMINING EXCESS USAGE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee (Address envelope to "Mail Stop Non-Fee Amendment")
(X) Other: SIDS; Supp 1449; Stat197(e); Eight (8) refs (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: Feb. 27, 2004

Typed Name: Steven E. Dicke

Signature: Steven E. Dicke

Respectfully submitted,

N. Lee Rhodes

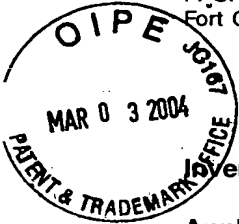
By Steven E. Dicke

Steven E. Dicke

Attorney/Agent for Applicant(s)

Reg. No. 38,431

Date: Feb. 27, 2004



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INFORMATION DISCLOSURE STATEMENT

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MAR 04 2004

GROUP 3600

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of national application; or before mailing date of first office action on the merits; whichever occurs last)
- ☒ under 37 CFR 1.97 (c) together with either a:
 - ☒ Statement under 37 CFR 1.97(e), or
 - ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97 (b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97 (d) together with a:
 - ☐ Statement under 37 CFR 1.97(e)(1) or (2), and
 - ☐ a \$180.00 fee set forth in 37 CFR 1.17(p).
(Filed after final action, a notice of allowance, on or before payment of the issue fee)

Please charge to Deposit Account **08-2025** the sum of \$0.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **08-2025** pursuant to 37 CFR 1.25.

☒ Applicant(s) submit herewith Form PTO 1449 - Information Disclosure Statement together with any required copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individuals(s) designated in 37 CFR 1.56 (c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith.

It is requested that the information disclosed herein be made of record in this application.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: Feb. 27, 2004

OR

☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____ Number of pages: _____

Typed Name: Steven E. Dicke

Signature: Steven E. Dicke

Respectfully submitted,

N. Lee Rhodes

By Steven E. Dicke

Steven E. Dicke

Attorney/Agent for Applicant(s)

Reg. No. **38,431**

Date: **Feb. 27, 2004**

Telephone No.: **(612) 573-2002**



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STATEMENT UNDER 37 CFR 1.97(e)

GROUP 3600

Sir:

The undersigned hereby certifies that either:

- (X) Each item of information contained in the Information Disclosure Statement was cited for the first time in a communication from a foreign patent office in a counterpart foreign application, not more than three months prior to the filing of the statement, or
- () No item of information contained in the Information Disclosure Statement
- was cited in a communication from a foreign patent office in a counterpart foreign application, and
 - to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56 (c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

N. Lee Rhodes

By Steven E. Dicke

Steven E. Dicke

Attorney/Agent for Applicant(s)

Reg. No. 38,431

Date: Feb. 27, 2004

Telephone No.: (612) 573-2002



FORM PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S INFORMATION DISCLOSURE
STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.

10013110-1

APPLICATION NO.

09/919,148

CONFIRMATION NO.

3139

APPLICANT

N. Lee Rhodes

FILING DATE

July 31, 2001

GROUP

3621

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
	1A	6,026,440	Feb. 15, 2000	Shrader et al.	
	1B				
	1C				
	1D				
	1E				
	1F				
	1G				
	1H				
	1I				
	1J				
	1K				

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MAR 04 2004

GROUP 3600

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	Pages/Columns/Lines Where Relevant Passages/Figures Appear	Check if Translation attached
	1L	EP1146687	10/2001	Hewlett-Packard Co.		
	1M					
	1N					
	1O					
	1P					

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

1Q	Retrieved from the Internet:< URL: http://www.hp.com.au/malaysia/voip/08.pdf . "hp dynamic netvalue analyzer 1.0 an hp netaction product", 'Online! May 2001 (2001-05).
1R	Marshall W T et al.: "Statistics of Mixed Data Traffic on a Local Area Network" Computer Networks and ISDN Systems, North Holland Publishing. Amsterdam, NL, vol. 10, no. 3/4, October 1985 (1985-10), pages 185-194.
1S	Retrieved from the Internet: < URL: http://www.hp.com/communications/usage/infolibrary/prodinfo/ium_product_brief_31.pdf > "hp internet usage manager 3.1 - an hp netaction product" HP - INVENT 'Online! May 2001 (2001-05), pages 1-4.

EXAMINER

DATE CONSIDERED

PATENT APPLICATION

Sheet 2 of 2

FORM PTO-1449

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STATEMENT

(Use several sheets if necessary)

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	2A				
	2B				
	2C				
	2D				
	2E				
	2F				
	2G				
	2H				
	2I				
	2J				
	2K				

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	2L					
	2M					
	2N					
	2O					
	2P					

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

2Q	Amer P D et al.: "Management of Sampled Real-Time Network Measurements" Proceedings of the Conference on Local Computer Networks, 1989, pages 62-68.
2R	Mogul JC: "Efficient Use of Workstations for Passive Monitoring of Local Area Networks" Computer Communication Review, Association for Computing Machinery, 1990, pages 253-263.
2S	Copy of Partial European Search Report, European Application No. 02255292.1 mailed December 17, 2003.

EXAMINER

DATE CONSIDERED